

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KYE AARON DUNBAR,

Debtor.

FRITO-LAY, INC.,

Garnishee.

Case No. 1:22-MC-00148-JLT-SKO

**FINAL ORDER OF CONTINUING  
GARNISHMENT**

Criminal Case No. 1:16-CR-00151-DAD-BAM

On October 18, 2022, the United States filed an Application for Writ of Continuing Garnishment against twenty-five percent (25%) of Kye Aaron Dunbar's ("Debtor") non-exempt disposable earnings. ECF 1. The Clerk of the Court issued the Writ and Clerk's Notice to Debtor. ECFs 6 & 7. The United States served the Writ and related documents on Frito-Lay, Inc. ("Garnishee") and Debtor. ECFs 2 & 3.

On October 28, 2022, Garnishee served its Acknowledgment of Service and Answer of Garnishee on Debtor and the United States ("Answer"). ECF 8. In its Answer, Garnishee stated that Debtor is an employee of Garnishee and pays earnings to Debtor. Id. Debtor did not file a claim of exemption to the proposed garnishment or request a hearing, did not object to Garnishee's Answer, and did not otherwise object to the United States' garnishment action.

Pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 302, on December 7, 2022, the Magistrate Judge issued findings and recommendations that recommended that the United States' request for final order of garnishment be granted and ordered that any objections were due within 14 days after service. ECF 12. The United States served the findings and recommendations on Debtor on December 7, 2022. ECF 13. Debtor did not object and the time to do so has passed.

In accordance with 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of the case. Having carefully reviewed the file, the Court concludes that the Magistrate Judge's findings and recommendations are supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED THAT:

1. The Findings and Recommendations for Final Order of Continuing Garnishment (ECF 12) are ADOPTED IN FULL;

2. Garnishee Frito-Lay, Inc., is directed to pay the Clerk of the United States District Court twenty-five percent (25%) of Debtor Kye Aaron Dunbar's ongoing and non-exempt disposable earnings, including, but not limited to wages, earnings, commissions, and bonuses;

3. Garnishee Frito-Lay, Inc., is directed to pay the Clerk of the United States District Court the amount of non-exempt disposable earnings, including, but not limited to wages, earnings, commissions, and bonuses, already withheld as a result of the writ, within fifteen (15) days of this Final Order of Garnishment. Payment shall be made in the form of a check, money order, or company draft, made payable to the "Clerk of the Court" and delivered to:

Office of the Clerk  
501 I St., Rm. 4-200  
Sacramento, CA 95814

The criminal docket number (1:16-CR-00151-DAD-BAM) shall be stated on the payment instrument;

4. The Court shall retain jurisdiction to resolve matters through ancillary proceedings in the case, if necessary; and

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1           5.       The garnishment shall terminate when (1) the United States seeks to terminate the writ or  
2 (2) when the judgment amount is fully satisfied.

3  
4 IT IS SO ORDERED.

5       Dated: **January 9, 2023**

  
UNITED STATES DISTRICT JUDGE